

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PEDRO MEDINA,

Plaintiff,

v.

IMMIGRATION AND NATURALIZATION  
DIRECTOR,

Defendant.

Case No.: 5:13-cv-04436-PSG

**ORDER DENYING PLAINTIFF'S  
MOTION TO APPOINT COUNSEL  
WITHOUT PREJUDICE**

**(Re: Docket No. 2)**

Before the court is Plaintiff Pedro Medina's motion to appoint counsel. Plaintiff's request does not lay out the reasoning why Plaintiff's motion should be granted. "Generally, a person has no right to counsel in civil actions. However, a court may under 'exceptional circumstances' appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1)."<sup>1</sup> "When determining whether 'exceptional circumstances' exist, a court must consider 'the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.'"<sup>2</sup> "Neither of these considerations is dispositive and

<sup>1</sup> *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (citations omitted).


<sup>2</sup> *Id.* (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)).

1 instead must be viewed together.”<sup>3</sup>

2 In light of Plaintiff’s failure to set forth the exceptional circumstances necessitating counsel  
3 in this case, the court denies Plaintiff’s motion without prejudice.

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5 **IT IS SO ORDERED.**

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7 Dated: October 2, 2013

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9 PAUL S. GREWAL  
United States Magistrate Judge

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**United States District Court**  
For the Northern District of California

<sup>3</sup> *Id.*